

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RAYSEAN BARBER,

Plaintiff,

vs.

SCOTT FRAKES, TAGGART BOYD,
EDWARD HILL, MIKI HOLLISTER,
KRISTINA MILBURN, NATE SHWAB,
DR. MARK LUKIN, DR. MEGAN
FORD, BETTY GERGEN, JACQUE
GOODING, AMY REZNEY, and
ROBIN CHURCH,

Defendants.

8:21CV157

MEMORANDUM AND ORDER

This matter is before the court on Plaintiff's Motion for Leave to Proceed in Forma Pauperis ("IFP"). (Filing 6.) On April 20, 2021, Plaintiff filed a Complaint (filing 1) along with the \$350.00 filing fee payment. The court directed Plaintiff to either pay the \$52.00 administrative fee assessed to non-IFP plaintiffs or submit a motion to proceed IFP. *See* 28 U.S.C. § 1915(b)(1). Upon consideration of Plaintiff's motion and the certified copy of Plaintiff's trust account information (filing 7), Plaintiff's motion is granted, and Plaintiff will be proceeding IFP from this point forward in the case.

Prisoner plaintiffs are required to pay the full amount of the court's \$350.00 filing fee by making monthly payments to the court, even if the prisoner is proceeding IFP. 28 U.S.C. § 1915(b). The Prison Litigation Reform Act "makes prisoners responsible for their filing fees the moment the prisoner brings a civil action or files an appeal." *In re Tyler*, 110 F.3d 528, 529–30 (8th Cir. 1997); *Jackson v. N.P. Dodge Realty Co.*, 173 F. Supp. 2d 951 (D. Neb. 2001). As Plaintiff has already paid the court's \$350.00 filing fee, the court need not calculate

an initial partial filing fee or collect any further payments from Plaintiff. *See* 28 U.S.C. § 1915(b)(1).

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Proceed IFP (filing 6) is granted, and Plaintiff will be proceeding IFP from this point forward in the case.

2. Plaintiff is advised that the next step in Plaintiff's case will be for the court to conduct an initial review of Plaintiff's claims to determine whether summary dismissal is appropriate under 28 U.S.C. § 1915(e)(2). The court will conduct this initial review in its normal course of business.

Dated this 3rd day of May, 2021.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge